IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

LA.App..No. 269 of 2004()

LAR.354/2000 of PRL.SUB COURT, KOZHIKODE
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APPELLANT: 2ND RESPONDENT:

THE PROJECT OFFICER (OECF),
KERALA WATER AUTHORITY, KOZHIKODE.

BY ADV. SRI.BABU VARGHESE, SC, KWA
SRI.SAJAN MANNALI, SC, KWA

RESPONDENTS: CLAIMANTS & 1ST RESPONDENT:
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1. KOORAMANTHARYIL AMMU (DIED).

2. KOORAMANTHARYIL GOKULAN,
S/O. CHATHUKUTTY, MANNUR, KOZHIKODE TALUK.

3. THE SPECIAL TAHSILDAR (LA),
OECF, KERALA WATER AUTHORITY, KOZHIKODE.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA(SC)
GOVT.PLEADER SMT.K.R.DEEPA
SRI.C.P.SIVADASAN NAIR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN- UL- RASHID, JJ.

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L.A.A. NO.269 OF 2004

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DATED THIS THE 29TH DAY OF NOVEMBER, 2007

J U D G M E N T

Harun-Ul-Rashid, J.

This appeal is filed by the Project Officer(OECF), Kerala Water Authority, Kozhikode against the judgment and decree in L.A.R.No.354/00 on the file of Principal Sub Court, Kozhikode. An extent of 38.053 cents of garden land was acquired by the appellant for laying pipe line and for the construction of water tank for the OECF water supply scheme. Section 4(1) notification was published on 10.6.1998. Being aggrieved by the fixation of land value by the Land Acquisition Officer, the matter was referred to the reference court at the instance of the respondents/claimants. The claimants in support of their claim for enhancement produced Exhibits A1 to A3 documents and also examined AW1. The commissioner's report was also marked. The court below relied on the judgment in LAR 218/97 covered by Exhibit A3 refixed the market value of the acquired land at Rs.30,000/= per cent. The court below took note of the fact that the land covered by L.A.R.No.218/97 was acquired in the year 1990 and the reference court in that case awarded Rs.18,000/= per cent. The court below noticed the fact that this reference is after eight years of

Exhibit A3 case and the report submitted by the Commissioner who had opined that the market value per cent is between Rs.65,000/= to Rs.75,000/= per cent. In the facts and circumstances noted above, we are of the view that Rs.30,000/= per cent fixed by the court below on the basis of the materials on record is fair, proper and just. We find no reason to interfere with the award passed by the court below. Therefore, the appeal is dismissed.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

dsn